

**City of Rochester**

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Robert J. Bergin  
 Corporation Counsel

October 5, 2012

Honorable Michael A. Telesca  
 United States District Court Judge  
 United States District Court  
 100 State Street, Room 272  
 Rochester, New York 14614

**Re: John E. Howard, et al, v. Elisha Freedman, et al  
 74-CV-234 T**

Dear Judge Telesca:

Please accept this letter as the City's report on the status of the Rochester Police Department (RPD) Consent Decree. Last year I reported that the primary goal of the Mayor and the Police Chief was to increase the recruitment of qualified minority police officer candidates while still maintaining the high quality of the officers hired. As a result of a number of efforts that have proved successful, I am pleased to report that the new class is very diverse and that we continue to be committed to programs that are designed to increase minority representation in the RPD.

The RPD has now hired new recruit officers in a class which began on July 30, 2012. No recruit officers were hired in 2011 or previously in 2012. This new class contains 28 members, of which 16 are minority members. Last year I reported that as a result of hiring from 2007-2010, the RPD was left with a significant shortfall under the Consent Decree of 23-26 minority hires. Since the Consent Decree requires one minority candidate to be hired for each three nonminority candidates, the Consent Decree requirements for the current class are met with the hiring of 4 minority candidates. Thus, the additional 12 minority candidates in this class reduce the shortfall from the 2007-2010 hires. We hope to continue to reduce this shortfall in upcoming classes.

The RPD was able to hire the large number of minority members for the current class primarily because it was able to draw candidates from a number of recent tests, due to the failure to hire any recruits since 2010. The class was timed so that all available candidates could be hired before their list expired. The City's offer of an incentive retirement program in 2011 allowed the City to hire the recruits this year despite a workforce reduction in the RPD. Since the recent hiring has again exhausted the minority list, we recognize that efforts will have to continue to attract and maintain



qualified minority candidates. Because of the available candidates from previous tests, a mid-year test was not held this year. The next test date is November 17, 2012.

We are encouraged that the Rochester Fire Department is completing a hiring process in which a large number of qualified minority candidates have been identified, and we hope that at least some of the successful strategies from the Fire Department hiring process may be utilized in the Police Department hiring. We also continue to follow strategies to attract and maintain qualified minority candidates that have been outlined in our previous filings and which are explained in the attachment hereto.

Mayor Richards, Chief Sheppard and I continue to be fully committed to the Consent Decree. We will continue to seek new strategies to meet the Consent Decree requirements and look forward to working with the Court and other interested parties in order to increase minority hiring in the Police Department. The direct responsibility for police recruitment is now under the auspices of the City's Bureau of Human Resource Management, which reports to the Deputy Mayor. Recruitment efforts aimed at attracting qualified minority candidates for the Police Department will remain a priority of the Bureau. I have enclosed an attachment which contains statistical information on the Police Department and the 2012 recruit class and further outlines the City's recruitment efforts aimed at attracting qualified minority candidates for the Rochester Police Department.

I have sent this letter to Bryan Hetherington, attorney for the Empire Justice Center, and Lawrence J. Andolina, attorney for the Rochester Police Locust Club, and will continue to seek their support, understanding and suggestions. I look forward to discussing this matter with the Court and to providing such further information as the Court may deem appropriate. I thank you for your interest and cooperation in this matter.

Respectfully submitted,



Robert J. Bergin  
Corporation Counsel

Enclosure

xc: Thomas S. Richards, Mayor  
Leonard E. Redon, Deputy Mayor  
Bryan D. Hetherington, Esq.  
Lawrence J. Andolina, Esq.  
James Sheppard, Chief of Police

2012 Attachment  
From Corporation Counsel Robert J. Bergin  
to the Honorable Michael A. Telesca

Re: John E. Howard, et al, v. Elisha Freedman, et al  
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**Part 1. Current RPD Profile.**

As of September 3, 2012, the Rochester Police Department (RPD) staffing profile includes:

Total # Sworn Police Officers: 744  
Total # White: 567 (76.2%)  
Total # Black/African American: 83 (11.2%)  
Total # Hispanic/Latino: 77 (10.3%)  
Total # Other: 17 (Asian/PI/AN) (2.3%)  
Total # Male: 655 (88%)  
Total # Female: 89 (12%)

**Part 2. Recent RPD Recruit Classes.**

Since the August 2011 report the hiring figures for RPD have been as follows:

Recruit Class #55 (Hired on July 30, 2012)  
Officers Hired: 28  
Caucasian: 12  
African American: 7  
Hispanic: 6  
Asian: 2  
Native American: 1

Recruit Class #54 – Not attended

**Part 3. RPD Recruitment Efforts.**

The City of Rochester has developed a comprehensive recruitment program to recruit minority police officer candidates. The RPD has incorporated concepts from several Best Practices models from around the country. These models include:

Irvine, California Police Department- This model markets/focuses its recruitment campaign to ethnically and culturally diverse communities instead of covering the entire community with literature, resulting in high numbers of untargeted applicants.

Charlotte-Mecklenburg, North Carolina Police Department - This model actively recruits from the military and recruiters bring as much information as possible (applications,

testing schedule, police department information, medical releases and relocation information) to the recruitment site.

**Madison, Wisconsin Police Department** – This model is based on the need to recruit and test outside of the Madison jurisdiction. The recruitment team travels to targeted cities to recruit and alternative testing sites are established to minimize travel costs to Madison and minimize missed time from work for the applicants.

The RPD comprehensive recruitment model has six major components:

- Community Involvement and Partnerships
- High Visibility and Culturally Diverse Media Outreach
- Local and Regional Recruitment
- Targeted Recruitment for minority military personnel, college students and other qualified applicants
- On-going monitoring, tracking and evaluation process of recruitment and selection policies and practices
- School and College to Career Initiatives designed to assist high school and college students in transitioning to law enforcement and related public safety careers.

The recruitment components incorporate targeted local recruitment in ethnically diverse neighborhoods in Rochester, Buffalo, Syracuse, and cities with high minority populations in surrounding States. The RPD recruitment team recognizes the value in partnering with educational institutions, and community-based and faith-based organizations to effectively reach minorities. Special minority events, such as the Puerto Rican Youth Development Recruitment Career Fair and the Latino Health/Career Fair are a part of the community-outreach recruitment effort.

- The RPD Recruitment Unit consists of one police officer trained to enhance her ability to recruit the target population and reflect a personable and professional image of the Rochester Police Department. The recruiter was carefully selected to ensure sincere interest and commitment to a positive outcome of the recruitment process. The RPD also used an additional twelve police officers with diverse backgrounds who were specifically trained to attend church meetings, festivals, job fairs, college days and neighborhood gatherings to conduct recruitment efforts.

Recruitment activities are conducted at Monroe Community College Campuses, Suny Brockport, Buffalo State College, Alfred State College, Erie Community College, Onondaga Community College, Finger Lakes Community College, Genesee Community College, Canisius College, Medaille College, University of Buffalo, Niagara County Community College and other colleges/universities within the New York State area. Upcoming recruitment efforts will continue to focus on colleges and universities with high minority enrollment.

RPD has attempted to overcome the barrier of the NYS Civil Service testing process which requires candidates to physically come to New York State to take the Police Officer Exam. RPD recruiters ensure that candidates are made aware of other locations in NYS that are offering the police officer exam and the cost and process for taking the exam at the alternate locations. Information is included on the RPD recruitment website to alert applicants to other testing locations and the process.

Media recruitment efforts include a wide range of multi-cultural advertising tailored to attract the target population. Specific activities include radio interviews on Rochester's WDKX and Kiss FM, as well as WUFO and WBLK in Buffalo. These radio stations have a majority of African-American listeners. Posters, brochures, billboards and bus advertisements feature minorities (actual RPD police officers) with the specific intent to send the message "minorities are a vital part of the Rochester Police Department and RPD is interested in recruiting more of them."

Recruitment Officers have conducted several television interviews to increase awareness of the recruitment process. Future recruitment efforts will continue to utilize the brochures and posters, with live interviews which personalize the recruitment effort and foster a positive connection with target populations.

#### Part 4. Process Review.

A review of the entire police officer recruitment and selection process has indicated that minority candidates are lost at each step, either due to self-elimination or process mandates. Based upon the analysis, RPD instituted additional applicant support activities including:

1. Application Assistance: The RPD Recruiter is available to assist individual candidates with any questions regarding the application and the application process.
2. Written Exam Preparation Sessions – Test taking is often stressful for candidates and particularly for candidates who have not taken tests in a while or who become anxious due to fear of not performing well. To assist candidates, RPD offers a series of Test Prep sessions that provide candidates with test taking strategies and opportunities to answer sample test questions similar in content and structure to questions that may appear on the actual exam.
3. Alternative Written Exam Location Information: New York Civil Service Law allows qualified applicants to take the Police Officer Exam at other locations in New York by completing the appropriate paperwork and paying a fee. Information pertaining to this process is issued to candidates and made available on the RPD recruitment website. This information assists candidates in identifying a New York State test location closer to their home and minimizes time lost from work and/or travel expenses to the Rochester testing location.

4. Physical Agility Test (Cooper Fitness Test) Preparation Sessions- The physical demands during police officer recruit training are quite rigorous and challenging. Each applicant must pass the Cooper Fitness Test as a part of the hiring process. RPD provides candidates with an opportunity to participate in specially designed training sessions to demonstrate the proper format for each of the exercises in the Cooper Fitness Test (push-ups for upper body strength, sit-ups for general body strength, sit-and-reach for flexibility and 1.5 mile run for general endurance).
5. Physical Fitness Preparation Video – The Cooper Fitness Test requires a specific level of fitness based upon the applicant's age and gender. Applicants should be in good physical condition prior to attending the Physical Agility Prep Sessions. RPD has developed a Physical Fitness Preparation Video for candidates to use to assist in improving their fitness level to increase their success on the Cooper Test. The video is available on the RPD recruitment website. Applicants are encouraged to begin a physical fitness regimen as early as possible. The information may be accessed at <http://www.Rochesternypolice.com> and click on jobs.
6. Medical Exam Information -Candidates may have questions regarding the specific medical requirements that must be met for employment consideration as a Rochester Police Officer. The RPD recruitment website provides information regarding the medical standards and recommends applicants contact their personal physicians if they have any questions. This advance information will enable applicants to make medically informed decisions about becoming a police officer. The information may be accessed at <http://www.cityofrochester.gov/article.aspx?id=8589937332>.
7. Background Questionnaire (BQ) Assistance - Accurate and honest completion of the Background Questionnaire is a critical element in the police officer selection and hiring process. Applicants should put forth the best effort to answer all questions to the best of their ability. It is extremely important that applicants clearly understand what is being asked in order to respond accurately. RPD will provide opportunities for candidates to seek clarification on questions and/or the terminology utilized in the BQ prior to its submission.

#### Part 5. BHRM Recruitment.

In January of 2011 Citywide recruitment efforts were consolidated under the Bureau of Human Resource Management's (BHRM) Staffing Services Unit. BHRM reports to Deputy Mayor Leonard E. Redon. Deputy Mayor Redon comes to the City with extensive experience in the private sector at Paychex, Inc. and Eastman Kodak Company.

The purpose of this consolidation was to ensure consistency amongst recruitment efforts for all City Departments and to provide one unified front at all recruitment events. The consolidation focuses on the similarities in the public safety careers and leverages

the City of Rochester's total recruitment resources. This recruitment strategy promotes career opportunities in all of the City's Public Safety Departments to minority candidates and encourages them to participate in the appropriate Civil Service Examinations.

The Bureau of Human Resource Management's Staffing Service Unit has worked closely with members of the Rochester Police Department's Background & Recruitment Unit to develop and implement recruitment strategies aimed at improving minority participation in the Police Officer Civil Service Examinations.

These efforts have included:

- Attendance and support at City Church services by City Council President Lovely Warren, other members of City Council, the Police Chief, uniformed members of the Rochester Police Department, and a representative from the Bureau of Human Resource Management to promote the upcoming Police Officer Civil Service Examination and to answer any questions pertaining to the examination and hiring process;
- Pre-arranged visits to a number of local colleges and universities by uniformed members of the Rochester Police Department to promote the Police Officer Civil Service Examination;
- In collaboration with the City's Bureau of Communications, production of new radio and television recruitment commercials featuring minority Police Officers which are aired on radio stations and television networks with high minority listener and viewership;
- Recruitment activities at local military facilities and veterans outreach centers;
- Attendance at local career and job fairs;
- Advertisements on City billboards;
- Advertisements on buses with urban routes in the Cities of Rochester, Buffalo, and Syracuse.

#### Part 6. Law Enforcement Career Awareness Program

- Career Awareness program at Vanguard Collegiate High School:
  - The purpose of the course is to introduce high school students to the various aspects of the criminal justice system and provide them with a foundation for future employability with the RPD.
  - During School year 2011/2012 the RPD worked with the City of Rochester School District in the development of a career awareness program at Vanguard Collegiate High School. Carol Jones, Principal at Vanguard, stated that approximately 100 9<sup>th</sup> and 10<sup>th</sup> grade students participated in the career awareness program. Officer Mike Cuilla, who is a certified teacher from the RCSD, was assigned to coordinate law enforcement related classes. Officer Cuilla also served as a mentor to the attending students.

- Career Pathways to Public Safety Program:
  - The Public Safety program is a two-year program designed to better prepare students for post-secondary success in both college and the workforce, and to increase minority representation in the City of Rochester's uniformed divisions. The program offers 11<sup>th</sup> and 12<sup>th</sup> grade RCSD students an awareness and an opportunity in choosing a career path in the field of public safety. The program will provide training and education in the fields of law enforcement, fire safety, and emergency communications, and emergency medical treatment. The goal is to assist students in becoming viable candidates, and providing City entities with qualified and prepared candidates of diversity and local residency. The program began in September 2012. There are total of (38) students that are enrolled in the program.

#### Part 7. Police Recruit Education Program (PREP)

The Mission of the PREP program is to prepare students for a successful career in law enforcement. The curriculum includes post-secondary education, practical training and experience with the RPD, including participation in the mentorship program, part-time employment and job shadowing. The first year of the PREP program was marked with a number of successes. The program started with (11) cadets and finished with (9). Out of the (9) cadets, (6) are eligible to take the November 17, 2012 police exam: (1) African American, (3) Hispanics, (2) Caucasians. The other (3) cadets are not eligible due to age requirements. Over the course of this year, weekly meetings were held that included one-on-one sessions and physical training sessions. All cadets received a paid internship with the police department and were placed in various units within the department. Those placements included research and evaluation, technical services, central investigation, property, patrol divisions, auto pound, neighborhood service centers, as well as the "Do the Right Thing" office. During the academic year, cadets were only allowed to work 10 hours per week, and 20 hours when school was not in session. Cadets were exposed to a number of law enforcement activities, such as officer assisted ride alongs, emergency task force role plays, special operation details, a safety driving course, the police ball, and the "Copapolooza" charity event. In October 2012, twelve new cadets will begin the PREP program for the 2012-2013 academic year. Each cadet will be assigned to an RPD mentor who will assist the cadet throughout the program year.

#### Part 9. Monitoring, Tracking and Evaluation.

RPD recognizes an effective recruitment strategy must include efforts to ensure the identified goals, timelines and activities are implemented as planned. Key steps will be included to prevent disorganization and failure to reach the prescribed goals.

Action Planning – A core leadership group has been identified to ensure the recruitment project remains on track and has adequate financial and human resources. The

leadership group includes representatives from the RPD, RFD and BHRM. Community stakeholders are included in the planning of specific community recruitment activities.

Monitoring – Each component of the recruitment project is monitored and progress is documented on a regular basis. Data is maintained to reflect the numbers and demographics of applicants involved in every phase of the recruitment and selection processes. The Leadership Group receives weekly figures on the number of applications submitted by gender, race and zip code. These numbers will be analyzed to determine the effectiveness of the recruitment activity and to minimize areas where potential candidates are unjustifiably lost or excluded from the selection process. RPD has already conducted a detailed analysis of the previous recruitment and selection process and identified specific areas where the number of minorities was not adequately represented or where high numbers of minorities self-eliminated out of the process or where excluded for compliance reasons.

Evaluation – A formal evaluation will be conducted to determine the overall effectiveness of the recruitment and selection process as it relates to the minority hiring goals. Each component will be evaluated on an on-going basis to determine where improvements, modifications or deletions should be made for the current or future recruitment efforts. Best practices models for law enforcement recruitment will assist RPD in evaluating and diagnosing its recruitment and selection policies and practices.